

App. F. IX-4

our
Aty
Muz

Previous References

66-27 1 6
74 13 5-13
266 26 1 2

Later References

" 3 24 1 9
" 21 6 31 1+2
Law 1 32 - 28-29
Law Dep. 137 32

1934.
(Muzrai)

File No. 211-34

Serial Nos. 1 1

General and Revenue Secretariat.

" 317-36 1 2

Serial Nos. 4

Part B for

April 35

SUBJECT.

Re the management of the Chappiam
near Venabhadra Sivan Temple at
Mogurvala Hoskote Taluk

To see Muzrai Comr

14.

no 1338 of 18-4-35

Forwards legal opinion in the matter

Re Chattram near Virabhadraswami
at Mugurvala - Hoshkote TH.

General and Revenue
Secretariat

File No.

211

of 1934-5

[App. 1.]

Serial
No.

Letter no 536/31-32 of 4.1.35 from the
Muzrai Commissioner stating that from
the judgment given by the District Judge
Bamphale re: the Chattram near Virabhadraswami
temple at Mugurvala, Hoshkote
Taluk it was seen that the Chattram
is not a muzrai institution, though it
may be a public institution and suggest
that it may be left in the management
of the appellant or that if it is to be
treated as a muzrai institution, the
appellant may be appointed as the
Dharmadarsi without reference
to the temple which has little to do
with this Chattram.

1) The site on which the
Chattram stands now was assigned by
the local officers and given to the
father of the appellant for the
construction of a Hindu temple.
Further it is found that the Chattram
was built out of public subscriptions
& in the accounts of 1860 the building
is described as Dharmasala. (From
this office letter no 2243/Muz of 4.11.21
addressed to the D.C. Bamphale re:)

2) To pursue the question further,
if appd, the M.C.'s office file leading
to the present circumstances will be
examined & copy of the judgment also
will be.

Re Chattram - at Mugivada Hoskote Taluk

File No.

of 193 .

General and Revenue
Secretariat

Called for -

Ind for ass.

4591 ~

Mr

9/2/35

3) Ind for per. and
a copy of the judgment
of the M.C.'s office file may
be called for.

12/2/35

Ch: Lang)

Yes 10/2

Received back
from Ch: Secy. 10/2/35
2

G. S. 5/2
14-35

Ind

6) 19/2

Letter no 1109 of 21/2/35 to the Mysore
Commissioners Calling for additional
records -

Letter no 536/31-22 of 9-3-1935 from
the Mysore Commissioners forwarding
for reference additional records and
a private copy of the judgment produced -

7. Copy of the judgment in the
records is stated by the M.C. to be private
one. An authenticated copy has not been
forwarded.

8. Kind reply is invited to the undersigned.

(Para 37 & 38) In May 194-13-1944 for reply
The land on which the Chattram building stands
is stated to have been acquired by the local
officers. In the sense that the acquisition is

GENL & REV. SECY

from
24/2

x 12.

* Made by the then Secy. 13-13
- May 13.
x AP 12 & 13

5525/834

10/24

P Re: Chatham Brooming at Tregavala,

Hoskote Tal

General and Revenue
Secretariat

File No.

211

of 193

4

[App. F. III-2]

Serial
No.

made for a public purpose, the Chatham is a public ^{charitable} instⁿ. Though not a public instⁿ as it has not been endowed with land or cash grants & the provision in Chapⁿ. III of the Regⁿ of 1927 are applicable in the present case. As the case instituted by Rajanna has been dismissed by the Additional Dy Magistrate, the present proposals of the M.C. involve giving ^{Rajanna} a ^{independent} fair voice in the management again; action was taken as he had mismanaged the affairs & set up a hurdle to the public. As he found no remedy in the Civil Court, he is making his representations now before the Muz. officers. In view of the attitude shown against the Muz. ^{in the beginning} it is a matter for consideration whether instead of appointing him as a sole Dharmadarsi it would not be desirable to appoint a Committee of Dharmadarsis for the management of the Instⁿ, among whom, if appd, Rajanna or his ^{opposite} legal representative

one - For ops -

or 9) The Law Section may perhaps be consulted in the matter.

26/5/35

Law Section)

27/3/35

Note-Contn. Sheet.

Law
Please put Law 66-27
one
27/3

Law 66-27 (Sls 16 & 9-10) is put up
 Copy of the Judge's is flagged 'v'. As pointed
 out in para 2 of the S.W.D. although the suit
 was dismissed with costs, the findings of the
 learned Dist. Judge on the merits of the case
 are against Govt. He has come to the conclusion
 that the Chattram in question is not a muz.
 wdkⁿ as defined in Regt. VII of 1917 but it belongs
 to the plaintiff, though it is intended to be used
 for the benefit of the public.

The Mus. Commⁿ suggest that the equitable
 aspects of the case cannot be ignored and hence
 recommend that the ~~prop~~ Chattram may be left
 in the management of the pet^r or 2) that
 the pet^r may be appointed as sole Dharmadasi
 if it is treated as a Mus. wdkⁿ.

The 1st proposal seems to be more
 reasonable and may be accepted.

TSD
 29/3

As pointed out in my note
 of 4.8.32 in Law File 66-27 (9+10)
 placed below, the findings of the
 Judge in O.S. 2 of 17.28 regarding
 the merits of the case are not binding
 on Govt since ultimately the suit
 itself is dismissed with costs. The
 findings are not res judicata in
 any subsequent litigation that
 may arise in the matter.

Re: Chattram building at Mughwala
Hoshiarpur Tk.

General and Revenue
Secretariat

File No.

of 1935

[App. F. III—

Serial
No.

16. It is therefore not safe to admit that the institution is not a mazarani institution or that it is the petitioner's private property. From what I see, I think it can be easily established that the Chattram is a public charitable institution and therefore if the petitioner agrees to a scheme being framed under Sec 18(4) of Regn VII of 1927, further action ~~may~~ against him may be dropped. ~~and~~ There is no objection to appoint the petitioner as a sole trustee under such a scheme, but he cannot claim any hereditary right. His liability to account & maintain the institution as a public charity must be placed beyond doubt.

(Mar Br)

17. Subd. with reference to para 10 to para 11
18/3/35

The above Law opinion may be communicated to the M.C. in repts to his repts.
(Pus I)

30/3/35

Ch: Secy)

Re

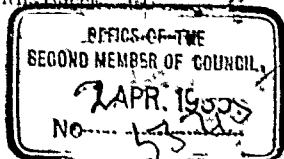
11/4/35

21/6/35

agree
1/4
2/4
2/4

20/3/35

NOTE: Contn. Sheet



W1 0 15-G1 -22 30 -12 0-35

Re: Mugurvala Chattram
Hoskote Tal.

File No. 211

10th

211

of 1934

General and Revenue
Secretariat

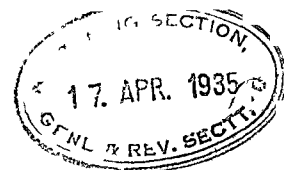
Off. ltr -

G.S. No. 1338 of 18/4/35 - Hoskote Tal.

in connection forwarding the legal opinion

about the management of the Chattram

at Mugurvala. For action accordingly

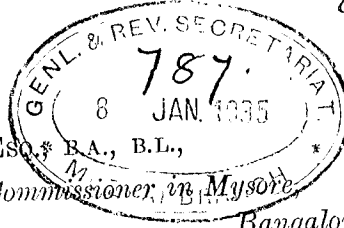


B

26/4

3726

Muz 24-34

OFFICE OF THE MUZRAI COMMISSIONER
IN MYSORE,No. 536 - Encl 4 files
87-32Dated Bangalore, the 1st January 1935
4Invd for perusal
in the first instance
D.D.
5/1/35

5/1/35

FROM

N. MADHAVA RAU, Esq., B.A., B.L.,

Muzrai Commissioner, Mysore,
Bangalore.

4 JAN 1935

S. Abdul Wajid, Esq., B.A.,

General Secretary to the Government

of H.H. the Maharaja of Mysore,

Bangalore.

Subject:- Ownership of the Chattram near Veerabhadra-
swami temple at Muguvala, Hoskote Taluk.

SIR,

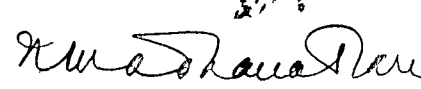
recd
5/1/35

Adverting to correspondence ending with Government Order
P. No. P.5044-48/Law.1-52-29 dated 2nd May 1934 re: the above, I have
the honour to state that the suit referred to in the Government
Order, relating to the above property was dismissed with costs as
time barred by the Additional District Judge of Bangalore: There-
upon action was taken by the local officers, under instructions
from the Deputy Commissioner, to evict the appellant from the Chat-
tram by proceeding under section 209 Land Revenue Code, in order to
give effect to the orders of Government conveyed in Muzrai Secre-
tary's letter No. 2245/Muz.94-15-11 dated 4th November 1921 and
confirmed in Endorsement No. 1835/Muz.266-26-2 dated 24th March
1927. The petitioner has filed an appeal to this office against
the Deputy Commissioner's order contending that the chattram was
built by his ancestors out of their private funds, and that his
family has been in possession of the chattram for over 75 years.
He has produced a copy of the judgment of the District Judge, where-
in the Judge has recorded a finding that the chattram is not a
Muzrai institution.

2. Although the District Judge dismissed the suit filed
by the appellant on the ground that it was time barred, his find-
ings on the substantive issues are in favour of the appellant.
From the fact that the appellant lost this suit, it does not seem
to follow that he cannot challenge an order for eviction under

under Section 209 of the Land Revenue Code. Nor would it be right to take advantage of a technical point and ignore the equitable aspects of the case. The facts appearing from the judgment make it clear that the Chattram is not a Muzrai institution though it may be a public institution. I would therefore suggest that (1) it may be left in the management of the appellant who has kept the building in a fair state of repair or (2) that if it is to be treated as a Muzrai institution, the appellant may be appointed as sole Dharmadarsi without reference to the temple which has little to do with this Chattram.

I have the honour to be,
Sir,
your most obedient servant,


Muzrai Commissioner.

This has to be dealt with
in the Administrative Br.
If app^d this will be
transferred to Muz. Br.

ISD
of. ngs

2006
5/1

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 20th February 1935.

No. 1109 / Huzrai 4/1-3

From

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore.

To

The Muzrai Commissioner
in Mysore, Bangalore.

Sir,

With reference to your letter No.536/31-32 of 4th January 1935 regarding the ownership of the Chattram near Sri Virabhadra wami temple at Muguvala, Hoskote Taluk, I am directed to request you to be so good as to forward for reference your office file leading to the communication under advertence as also a copy of the judgment of the Additional District Judge, Bangalore in the matter referred to therein

I have the honour to be,

Sir,

Your most obedient servant,

For Chief Secretary to Government.

SUBJECT

Section *ma 3*

File No.

Serial No.

No.

1109

To

Me m

On

Diary No. of letter replied to *787*

General and Revenue Secretariat

()

the 193 .

Date of issue *2/1-2-35* Signed by *M. B. Muddankrishna*

List of enclosures

Copied by .. *2/15/35*

Examined by

*In the case of your letter No**536 of 4.11.35 re. The ownership*
*31-32**of the Chakam near Varadha-druma*
*located at Nagavalli, Ankole Tal.**I am directed to request you**to be so good as to forward**for record ~~reference~~ your**Office file bearing the**communication under advertisement**as also a copy of judgment**of the Additional to Judge. Bangalore**in the matter referred therein**I have etc**Yr. obedt. Secy**2/15/35*

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No. 536
31-32

OFFICE OF THE MUZRA COMMISSIONER IN MYSORE,

Bangalore, 5th March. 1935.

FROM

Muz
N. MADHAVA RAU, Esq., B.A., B.L.,
Muzrai Commissioner in Mysore,
Bangalore.

TO

ref S
Rajasevasakta
R. Ranga Rao, Esq., P.A., P.L.,
Chief Secretary to the Government of His Highness
the Maharaja of Mysore,

.....Bangalore.....~~XXXXXXXX~~

SIR,

Re. the ownership of the Chattram near Sri Veerabhadra
Swami Temple at Muguvala, Hoskote Taluk.

As desired in your letter No.1109/Muz. dated 20-2-1935, I
have the honor to forward herewith in original for reference
and return correspondence ending with letter No.C3-2349/33-34
dated 26-7-1934 from the Deputy Commissioner, Bangalore District
together with the marginally noted collections of this office
and a private copy of the judgment produced by Mr. Chendrasek-
hara Rao, Advocate, on behalf of Mr. Anantharamiah.

I have the honor to be,
Sir,
Your most obedient servant,

G. R. Narayana
For Muzrai Commissioner.
(Absent from headquarters.)

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

General and Revenue Secretariat

Dated, Bangalore, 17th April 1935.

No.

1338 E. & A. 18/4

From

Muz 211-34-4

The Chief Secretary to the Government of His Highness
the Maharaja of Mysore.

To

The Muzal Commissioner

in Mysore, Bangalore.

Sir,

With reference to correspondence ending with your letter No. 536/31-32 dated 9th March 1935 regarding the management of the Chattram near the temple of Sri Virabhadraswami at Chigavala, Channarayana Taluk, I am directed to state that action may kindly be taken as indicated in the law opinion extracted as hereunder:-

xx xx xx the findings of the District Judge in O.S.2 of 27-28 regarding the merits of the case are not binding on Government since ultimately the suit itself is dismissed with costs. The findings are not resjudicata in any subsequent litigation that may arise in the matter.

It is not safe to admit that the institution is not a public institution or that it is the petitioner's private property.

.....it can be easily established that the chattram is a public charitable institution and therefore if the petitioner agrees to a proper scheme being framed under section 18 (1) of ^{the Mysore} Legislation VII of 1927, further action against him may be dropped. There is no objection to appoint the petitioner as a sole trustee under such a scheme, but he cannot claim an hereditary right. His liability to account and maintain the institution as a public charity must be placed beyond doubt.

The records received with your letter under advertence are
herewith returned.

have the honour to be,

Sir,

Your most obedient servant,



For Chief Secretary to Government.



SUBJECT

Diary No. of letter replied to

General and Revenue Secretariat

()

the 193 .

Date of issue

18-4-35

Signed by

M. S. Krishna Rao

List of enclosures

Copied by

M. S. Krishna Rao

Examined by

Section

Muz

File No.

211-34

Serial No.

4

No.

1338 L 1 + 4 pages

To

The M. C.

Sir,

With reference to correspondence
 ending with your letter no.
 536/31-32 of 9-3-35
 re: The Management of
 the Chattrams near the
 temple of Sri Virabhadra-
 Swami at Muzuvada
 Korkoli Tr, I am
 directed to state that
 action may kindly be
 taken as indicated
 in the Law Opinion
 attached as hereunder:-

" x x x The findings of
The St Judge etc. para 15 of the notes

It is not safe to admit

beyond doubt.

The deeds received
with your letter under advertisement
are here with returned —

I have etc

16/4

Yr Obedt Servt

G.W.

16/4

16 of the notes.
The word "therefore" is omitted after
the word "it is" —
only to apply

16/4